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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,729	12/27/2000	Masaaki Yamamoto	9683/74	3943

7590 07/03/2003

Brinks Hofer Gilson & Lione  
PO Box 10395  
Chicago, IL 60610

EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/720,729

Applicant(s)

YAMAMOTO ET AL. 

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-13, 15-21, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Oikawa (US 6,397,060).

Regarding claims 1, 10, 15 and 21, Oikawa teaches a mobile communication terminal (see fig.1 number 4) served by a mobile communication network (see fig.1), comprising: a communication portion for accessing a server network connected through the mobile communication network through a radio channel (see fig.1 wireless communication between base station 3A and mobile terminal 4), and downloading site screen data provided by the server (see column 2 lines 8-14), a display portion for displaying the downloaded site screen data (see column 5 lines 16-19), a recording portion for recording the site screen data in a non volatile memory (see column 3 lines 59-63), and a display control portion for reading from the non-volatile memory the site screen data recorded by the recording portion and displaying it on the display portion (see column 8 lines 4-7).

Regarding claim 4, Oikawa further teaches the display control portion displays the site screen data on the display portion as a downloading screen when the mobile communication terminal downloads data from a server network-connected to the mobile communication network (see abstract).

Regarding claims 5 and 16, Oikawa further teaches the display control portion displays the site screen data so as to fit the size of a display region of the display portion (see column 4 lines 11-18).

Regarding claims 6 and 17, Oikawa further teaches the display control portion generates a repeating pattern of the site screen data to display on the display portion (see column 4 lines 11-18).

Regarding claims 7-9, 11 and 18-20, Oikawa further teaches a recordability determining portion for determining whether or not the site screen data may be recorded by the recording portion (see column 5 lines 19-25 and column 5 lines 32-41).

Regarding claims 12 and 23, Oikawa further teaches recording portion records a plurality of types of the site screen data downloaded by the communication means to the non-volatile memory (see abstract), and comprises a selecting portion for selecting the site screen data to be displayed on the display portion from among the plurality of types of site screen data which are recorded (see column 5 lines 19-25), and wherein: the display control portion reads the site screen data selected by the selecting portion from the non-volatile memory and displays it on the display portion (also see column 5 lines 19-25).

Regarding claims 13 and 24, Oikawa further teaches the mobile communication terminal is a portable telephone device (see fig.1 mobile terminal 4).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa (US 6,397,060) in view of Kuramatsu et al (US 6,044,250).

Regarding claim 14, Oikawa teaches a mobile communication terminal served by a mobile communication network (see fig.1), comprising: a communication portion for receiving through a radio channel image data sent from a second terminal device

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network-connected through the mobile communication network (see fig.1 wireless communication between base station 3A and mobile terminal 4), a recording portion for recording the received image data in a non-volatile memory (see abstract), a display portion for displaying a menu (see column 5 lines 16-19), and a display control portion for reading from the non-volatile memory the image data recorded by the recording portion (see column 8 lines 14-17), and displaying it on the display portion as a menu (see column 8 lines 14-17).

Oikawa does not specifically disclose a display portion for displaying a reception standby screen, and a display control portion for reading from the non-volatile memory the image data recorded by the recording portion, and displaying it on the display portion as a reception standby screen.

Kuramatsu teaches a display portion for displaying a reception standby screen (see abstract), and a display control portion for reading from the non-volatile memory the image data recorded by the recording portion (see column 4 lines 59-62 and column 6 lines 31-39), and displaying it on the display portion as a reception standby screen (see fig.7 A,B,C and 8 A,B,C). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kuramatsu into the system of Oikawa in order to provide a communication device which has an attractive outer appearance by incorporating the contents displayed on the display unit in a reception wait state (see Kuramatsu column 2 lines 48-51).

Regarding claim 2, the combination of Oikawa and Kuramatsu further teaches the site screen data includes image data (see Kuramatsu, fig.7 A,B,C and 8 A,B,C).

Regarding claim 3, the combination of Oikawa and Kuramatsu further teaches the display control portion displays the site screen data on the display portion as a reception standby screen when the mobile communication terminal is in a reception standby state (see Kuramatsu, abstract).

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa (US 6,397,060) in view of Kuramatsu et al (US 6,044,250) and further in view of Jennings III (US 6,134,631).

Regarding claim 22, the combination of Oikawa and Kuramatsu teaches a connecting portion for connecting a memory medium storing communication setting information needed for communications through the mobile communication network and a readout portion for reading the communication setting information (see Oikawa, fig.2 antenna 10, LCD 14 and RAM 19, and see column 3 lines 59-63).

The combination Oikawa and Kuramatsu doe not specifically disclose a key for decrypting the image data which has been encrypted, and the communication portion receives image data which has been encrypted and sent from the second communication terminal based on the read communication setting information, and the recordability determining portion performs the determination according to whether or not a key to decrypt the downloaded image data is stored in the memory medium.

Jennings teaches a key for decrypting the image data which has been encrypted, and the communication portion receives image data which has been encrypted and sent from the second communication terminal based on the read communication setting

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information, and the recordability determining portion performs the determination according to whether or not a key to decrypt the downloaded image data is stored in the memory medium (see column 6 lines 22-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Jennings into the system of Oikawa and Kuramatsu in order to protect the confidentiality of data stored and transmitted by the communication device.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mittelstadt (US 6,490,465) teaches mobile telephone status menu with antenna position indication.

b. Iwami (US 6,470,076) teaches portable telephone with voice-promoted menu screen.

c. Miyashita (US 6,327,482) teaches mobile radio apparatus with auxiliary display screen.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers



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for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi H. Ly



June 27, 2003



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600